IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R. S .A. No. 4555 of 2003
Date of decision: 13.11.2007

Darshan Singh **...Appellant**

Versus

Ronak Ram and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vivek Sharma, Advocate for the appellant.

Mr. Arun Abrol, Advocate for respondent no.1.

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RAJESH BINDAL, J.

The plaintiff is in second appeal before this Court aggrieved against the judgment and decree of both the Courts below whereby suit filed by him for declaration and permanent injunction was dismissed.

The claim made in the suit was to declare a notice for recovery of Rs. 42,055/- dated April 1, 1998 issued by respondent no. 2/defendant no.2 as illegal. The plea is that infact the amount in question had already been paid by the appellant/plaintiff to the Secretary of the Society, who misappropriated the same by not depositing with the society.

It is not disputed that on the complaint made by the appellant/plaintiff in terms of provisions of Section 55 of the Punjab Cooperative Societies Act**,** 1961 **(** for short "the Act"), an Arbitrator was appointed to go into the matter. Further it could not be disputed by learned counsel for the appellant that in terms of Section 82 of the Act, the jurisdiction of the Civil Court is barred where a dispute is referred to the Arbitrator under Section 55 of the Act. Still further in the present case on receipt of the reference admittedly the Registrar had referred the dispute to an Arbitrator for disposal where the proceedings were continuing. Firstly there is legal bar on the jurisdiction of the High Court in terms of the provisions of the Act and secondly when the same dispute is pending consideration before the Arbitrator appointed under the Act, this Court would not like to exercise its jurisdiction in the matter.

Accordingly, I do not find any substantial question of law arises in the present appeal and the same is dismissed.

November 13, 2007 **(Rajesh Bindal)**
Pka **Judge**